



**Minutes for Meeting of
Thursday, February 11, 2010**

Item-1: Call to Order

Chairman Valdez called the meeting to order at 5:00 p.m.

Item-2: Roll Call

Present – Chairman Richard Valdez, Vice Chair Clyde Fuller, Commissioners Lee Biddle, Guillermo Cabrera, Dorothy Leonard, and Larry Westfall

Staff – Executive Director Stacey Fulhorst, General Counsel Alison Adema, Program Manager Steve Ross, Senior Investigator Lauri Davis, Investigator Kacy Green, Auditor Rosalba Gomez, and Executive Secretary Kathy Hunt

Item-3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of January 21, 2010

Motion: Approve

Moved/Seconded: Cabrera/Leonard

Vote: Carried Unanimously

Item-4: Non-Agenda Public Comment

None

Item-5: Commissioner Comment

None

Item-6: Executive Director Comment

Director Fulhorst reported on the following matters:

- Appointments to the Commission

The Mayor's Office is aware that appointments need to be made to the Commission in light of the fact that several Commissioners are serving on expired terms, there is one existing vacancy, and a second vacancy that will be created soon when Commissioner Cabrera's resignation becomes effective. Mayor's staff indicated that if the City Council doesn't take action regarding the Mayor's prior nominations in the near future, they will undertake efforts to facilitate the appointment process.

- Parking Advisory Boards

The City has determined that members of Parking Advisory Boards are required to file Statements of Economic Interests. As a result of budget cuts, the City Council has been advised that the Commission staff will not be able to provide education, advice, or enforcement with respect to these board members. The Public Safety and Neighborhood Services Committee will docket this issue for discussion at its February 17, 2010, meeting, in order to determine if any additional sources of funding can be identified for the City Clerk's Office and the Ethics Commission. In the meantime, she recently conducted a live training session for these board members concerning the disclosure of their economic interests.

- City Budget Cuts

The City's mid-year budget cuts will become effective at the end of February, 2010. The Commission's Investigator position currently held by Kacy Green has been eliminated. As a result, the Personnel Department has been working with Ms. Green to try and place her in a vacant position in another City department.

Item-7: General Counsel Comment

None

Item-8: Presentation of Final Audit Report Regarding the Reform City Hall with Carl DeMaio Committee

Commission Auditor Rosalba Gomez presented the Final Audit Report and advised that there were no material findings.

Motion: Accept Report

Moved/Seconded: Westfall/Leonard

Vote: Carried Unanimously

Item-9: Commission Policy Concerning Documents Posted on Website

Chairman Valdez stated that he placed this item on the docket for discussion because the matter of how long stipulations should remain on the Commission's website has never been addressed by the Commission.

Melvin Shapiro commented that he opposed removing stipulations from the Commission's website. He noted that other agencies leave their stipulations on their websites indefinitely, and praised the Commission for its efforts to date in terms of providing information to the public. He opined that the removal of documents from the Commission's website would benefit the respondents in the stipulations.

Simon Mayeski of Common Cause read a prepared statement that indicated Common Cause opposed the removal of any and all documents that are currently posted on the Commission's website.

Commissioner Leonard commented that although she doesn't believe any stipulations should be removed from the Commission's website, the Commission should establish a written policy setting forth the time period that documents will be posted on the website.

Commissioner Cabrera suggested that if a policy for removing documents is approved, it should allow the stipulations to be posted for at least 8 to 10 years to correspond with the election cycles of elected officials.

Commissioner Westfall expressed his view that there is no compelling reason to remove any documents from the website.

Commissioner Biddle stated that he agreed with Commissioner Cabrera.

Chairman Valdez pointed out the value of leaving the stipulations on the website indefinitely and noted that prior stipulations are a useful tool as precedent for future matters. He indicated that the consensus of the Commission is to stay with the status quo and leave documents on the website indefinitely. He indicated that the matter will be docketed for a future meeting in order to include this policy in the Ethics Commission's Operating Procedures.

Item-10: Adjournment to Closed Session

Chairman Valdez adjourned the meeting to Closed Session at approximately 5:25 p.m. He stated the Commission would reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Chairman Valdez called the meeting back into open session at approximately 5:40 p.m.

Reporting Results of Closed Session Meeting of February 11, 2010

Chairman Valdez reported the results of the Closed Session Meeting of February 11, 2010.

Item-1: Conference with Legal Counsel (3 potential matters)

Case No. 2010-02 - In Re: - Alleged Acceptance of Contribution in Excess of Limit and Contribution from Organization

Motion: Initiate Investigation

Vote: Carried Unanimously

Case No. 2010-03 - In Re: - Alleged Failure to include "Paid for By" Disclosure on Campaign Literature

Motion: Initiate Investigation

Vote: Carried Unanimously

Case No. 2010-04 - In Re: - Alleged Failure to Properly Disclose Economic Interests

Motion: Initiate Investigation

Vote: Carried Unanimously

Item-2: Conference with Legal Counsel (2 potential matters)

Case No. 2008-71- In Re: You Empower our Community and Neighborhood Market Association - Alleged Failure to File Campaign Statements

Motion: Approve Stipulation

Vote: Carried Unanimously

Case No. 2009-48 - In Re: Our City Our Responsibility and Neighborhood Market Association - Alleged Failure to File Campaign Statements

Motion: Approve Stipulation

Vote: Carried Unanimously

Item-3: Conference with Legal Counsel (1 potential matter)

Case No. 2008-54 – In Re: Nancy Graham - Alleged Participation in Municipal Decisions Involving Economic Interests

No Reportable Action

Item-4: Conference with Legal Counsel (1 potential matter)

Case No. 2008-73 – In Re: Marti Emerald - Alleged Failure to Disclose Accrued Expenses

Item Withdrawn from Agenda

Adjournment

The meeting adjourned at approximately 5:45 p.m.

Richard Valdez, Commission Chair
Ethics Commission

Katherine Hunt, Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.